Pet. 1899.

G. R. S. IX-5]

Previous references. (1897-98) 191.

(L-R)

File No. 59-99

Serial Nos. 1 19

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1

In ~~Part~~ B for July 1899

SUBJECT.

Appeal of Cheruvejamma and others vs the Patels of Mallappanahalli Village, Hadinaraipur Tq. —

Indexed.

W D 1250—GPB—30,000 28-

(1)

The decree is dated 13th December 1894. & the application for execution of the decree was made nearly at the close of the period of limitation

=

There seem to be 2 villages comprised in the decree viz Thalla/panahalli & Amanikere

If the Dy Comr has thought so advisable. he could have given the patels of one of the villages to one of the plaintiffs

However the consideration was deferred till execution & the present Dy Comr refuses to give the plaintiffs any further relief than registry

16/5/98.

The Dfs comm respects that
the ~~allegd~~ pleas of tickenen is
not true

Dfs 27/7/98

In his further repet the Dfs
comm states that the
2 villages form two
separate charges (with
separate paragraphs of Pg 22
23 & 24 respectively)

Dfs 10/10/98

In reply to an enquiry from
this office the Dfs comm states
that he sees no objection
to the decree being executed
by the younger of the pet rs viz
Bazia de Sowda being appointed
as patel of one of the villages provided
he lives in it

Dfs 11/2 99

Let this be marked
for the Tuesday
cause.

24.2.99

CC
25/2/99

Resd & 2nd Counsel
Writ Dept for appt

In this case the Dy Comm'r's
order appealed against is reversed
If the claim in this case arises
under clause (a) of Sec 221
L R Code - as it appears to do -
then the case is a "Council case"
& the ~~appt~~ respts will
have to be heard
on the other hand the order was
passed in proceedings for
execution of decree
& not in a regular
Suit the Judgment in the
Suit has become final &
thus declares the appellt
to be sub dam
= As the point is doubtful
& as there does not seem to
be any precedent governing
a case of this kind, I venture
to submit it for consideration

RDyer
23.2.99

25/2/99

Before the Government of Mysore.

Appeal No. 31 of 1898-99.

Appellants	Vs.	Respondents
1. Chikanne Gauda 2. Basave Gauda H. Narsipur Taluk		1. Basave Gauda 2. Ere Gauda.

Subject:— Dispute regarding the Deputy-Comm's refusal to execute the decree of the former Deputy Comm's regarding the Patels of Mallapparahalli and Amainkere in the Hole-Narsipur Taluk.

10918

Papers to the 2nd Sheristadar to 1st Comm's 21/3/99

11619 28/6/99

21-3-99

Please see [illegible] 14-2-99

[illegible] 3.99

Before the Government of Mysore.

Appeal No. 31 of 98-99

Appellant.	Vs.	Respondent.
Channegauda & Basavegauda		Basavegauda & Eregauda

Both served. 2nd Appt not served.
29.3.99 Respts pray for adjt till revenue collection is over.

Appts present
Respts pray for adjournment
Adjd to 5th July 1899.

29/3/99.

Notices served 3/7/99.

Parties present:
Basava Gauda & Lepresentative.

3/7/99.

1. Stamp

2. Stamp affixed

(2) The order complained of is dated 13-12-97. The decree referred to in the order whose execution is now prayed for, has not been produced.

Mly
30/3/98

Issue notice to the petitioner returnable on 1/4/98 as to why the appeal should not be dismissed with costs.

1/4/98

Ends on petn.

Mly 1/4/98

P.

-4-98

1) Stamp sufficient
2) Ord of time 3 months 10 days expired as due to holidays
3) Govt's order produced
4) Counsel case

Ord'd for 2nd Counsel

Mly 6/5/98

Govt. order
6.5.98

Counsel for petitioner requests time to file Govt. order - Govt. counsel also requests time to produce Govt. order - Time granted

Mly 6/5/98

Sm. 97/-1

1898

No. 2887 A.S.N° 31 (1)
98-99

Name of Petitioner Channappa and his brother Basappa

Village Hallapattanahalli

Taluk Hosdurga

District Chitradurga

Date of Arzi

Date of Receipt 22-3-98

Date of Disposal

No. of Enclosure 1

ABSTRACT

The petitioners and the appellants in Reg. S. No. 57 of 1894-95 on the file of the Chitradurga Court have filed and prosecuted the present appeal against the decree in suit No. 31 of 1894-95 on the file of the Court of the Munsiff of Hosdurga. The petitioners have also filed an application No. 709 of 1897-98 praying for the execution of the decree passed in the said suit.

The defendants in the said suit have appealed against the decree in the said suit No. 31 of 1894-95 and the petitioners have prayed to dismiss the said appeal with costs.

to the effect as stated by Mr. Burnie
in the Bill above mentioned that they
cannot legally claim the effect during
the existence of the present Lease.

Resolutions etc:-

Moved and seconded that the
Engineer be asked to report on
a Motion proposed and carried
May 21st 1895 to remove the
Dairies from Spit Bridge - Mr Burne
responded in their favor and it was
finally decided that they should be
left where at present, Mr Burnie
to be asked to report other sites.

Correspondence from Mr Burnie
referred to the Engineer Spit Bridge
Matter - Mr Secretary to write
Mr Burnie and the Commissioners Title &
Deeds that they cannot be given up
until after the Expiration of the
Lease.

Moved and seconded that the
Engineer be asked to report on
a Motion proposed and carried May 21st
1895 to remove the Dairies from Spit
Bridge - Mr Burnie responded in their
favor and it was finally decided that they
should be left where at present, Mr Burnie
to be asked to report other sites.

Correspondence from Mr Burnie referred
to the Engineer Spit Bridge Matter -
Mr Secretary to write Mr Burnie & the
Commissioners Title Deeds that they
cannot be given up until after the
Expiration of the Lease.

Moved and seconded that the Engineer
be asked to report on a Motion proposed
and carried May 21st 1895 to remove the
Dairies from Spit Bridge - Mr Burnie
responded in their favor and it was
finally decided that they should be
left where at present, Mr Burnie
to be asked to report other sites.

Correspondence from Mr Burnie
referred to the Engineer Spit Bridge
Matter - Mr Secretary to write
Mr Burnie and the Commissioners Title &
Deeds that they cannot be given up
until after the Expiration of the
Lease.

RK 20/8/95

2387

"By order"

Rptd
10/5/98

2381 of 97 to Instrt.

Final
11/5/98

Subd-
Copy of the Decree of to be called
produced & the reason of the
delay explained

Mly
18/5/98

1895

No. 2711

Name of Petitioner Ramaiyan and his
brother Thangaiyan

Village Vellaiyambalam

Taluk N. Parur

District Cochin

Date of Arzi

Date of Receipt 3-5-98

Date of Disposal

No. of Enclosure 3

ABSTRACT

With reference to Instrument No. 2381 of 1897-4-98 awarding the Limitation of the Instrument and stating that petitioner's explanation for delay of 10 days in the Subordinate Court appeal was accepted copy of the decree called for and that the 2nd Appellant Board has been having in his estate Power of Attorney, Manager & Talook for the last 20-3 years - that the first Appellant has applied for Certain certificate where he was employed & his and with pleader and that consequently he was not in a position

to go to Kaifan and Enquire about his application - that when the order was, (?) against them ~~their Khans~~ their Pleaders informed them of it in a letter (by post) which did not reach them - that soon after he recovered his health he went to Kaifan, acquainted himself of the order - and applied through his ~~Pl~~ Pleader for a copy of it and returned to his village - that eight days afterwards he again returned to Kaifan where they presented their appeal petition with the copy of the order above referred to to Court.

Pray that on accepting the above Explanation their appeal may be admitted and and disposed of as prayed for.

HK
6/5/98.

Enclosures

1. Petn. No 2387
2. Copy of Dy. Court order of 16-12-97
3. Copy of decree in O.S. No. 8 of 94-95 on the file of the Dy. Court Court.

2711

MYSORE DEWAN'S Office
PETITION DEPARTMENT
REG'D. NO. 2711 OR
DATE 3-5-98

Rev 1471 P.

5-7-6-98

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

3

OFFICIAL MEMORANDUM.

The accompanying Appeal Petitions
No. 2 and 3 dated without date
received on 3-8-98 at the Dewan's Office from
Chennegowda and his brother
Basavegowda of Hallepp-
-nahalli in the Hole Narsipur
Taluk, appealing against the
ordering by Court, Hassan
declining to appoint peti-
-tioners Kapatalig of the alienated Mag-
-ani land directing the registry of their
names and handing over
is forwarded, together with its two
are enclosures, to the Deputy Commissioner
of the Hassan District
for submission of the entire proceedings
connected with the case, together with a
full report of the facts of the case, and on
the points urged in the petitions.

3. The petition with its enclosures
should be returned.

(2) The Dy. Court is also re-
quested to enquire into the plea
of sickness alleged by the petitioners and
report whether the reasons such as
would entitle the petitioner for extension
time

By order,

Bangalore, 8/6/98 Secretary.

14/15 6 1898

11/6/98

Gen. Serial No. 30.]

GENERAL DEPARTMENT 39 JUL 18 1898 OFFICE

1898

From

The Deputy Commissioner
Hassan District

To

The (~~Chief~~) Secretary to the
Government ~~Durbar~~ of Mysore.
General and Revenue Secretariat
Bangalore

Dated 14 June 1898

Despatched

Received

Enclosures No. Petn with
2 encls & 7 Plans

General No. 36

No.

In reply to No: 1/1471 dy 14th June 1898

SUBJECT.

Submitting report on the petition from Channégowda and another of Malkapura-halli, Kolar Taluk in re the office of Patel of the said village.

References—(to be entered only in the Dewan's Office).

The appeal judgment dcree pmn pp 32-37 in this file (4)

Rec'd & laid in circuit
V 6
dy 27/7/98

Rec'd back on 30/7/98

Subd & Rev C'r & DS
dy 30/7/98

174

Rec'd & 2nd C'r
dy 2/9/98

Rd 7.30 Pm
3.9.98

The petn & annexures were recorded as one Patel charge & petn with separate Rolgies & hence ~~were~~ ascertained fair copy
V 8.9.98

Docketed & Dd 10/9/98

Docketed & Dd 10/9/98

Petn
10/9/98

Rec'd 19/7
Rep & petn & Subd
dy 21/7/98 20/7/98 27/7/98

No 31.

Deputy Commissioner's Office.
Hassan District.
Dated, Hassan 14th June 1898.

From,

B. G. Krishnayar Esqre,
Deputy Commissioner,

To

The Secretary to the
Government of Mysore
General and Rev: Departments
Bangalore.

Sir,

With reference to official memorandum No 1471 dated 14/15th June 1898, calling for submission of such records connected with the case of Channegowda and his brother Boreegowda of Mallapanahalli, in the Holé Narsipur Taluk, regarding the Potali of the above village, I have the honor to state that there were two Potels for the Mallapanahalli village viz., Chiding Annanikeré, the Potels duties of both these villages being

being performed by appellants' 4
grand father Chennegowda and
the respondents father Doddegowda
-gowda jointly. After Chennegowda's
-death, the appellants' father
Veerégowda conducted the duties.
During the famine 1876-77, after
the death of their father, the appellants
being young went away to Mangala
-lad in quest of livelihood, the
Potelti being looked after by
uncle Channaveerégowda and
Dayade Basavégowda

2 ——— In the year 1885, uncle
Channaveérégowda died and his
younger brother Doddégowda
officiated as Potel.—

3 ——— In 1886, the appellants
returned to the village, and
claimed the office which they were
deprived of a regular suit by
order No: 1105 Dated 12th March 1887.

4 ——— They filed a regular
suit on the 15th July 1887 and

the

decision requiring the Lands of the appellants to the Potelli was given on the 13th December 1894 by Mr. Princeja, the then Deputy Commissioner. The appellants presented miscellaneous petitions No 7 of 1895-96 on 22nd October 1897, with a prayer to put them into the office of Patel. It refused to comply with their request during the lifetime of the respondents, since the latter have continued to do duty from 1876-77. It is upon this order, an appeal has been preferred to Government.

5 —— As regards the alleged plea of acquiescence, which the appellants state prevented them from applying for copy and preferring appeal within the expiry of the prescribed

prescribed time, the enquiry shews that the plea is unfounded and such as not to entitle the appellants for extension of time. If Channifonda was really sick, nothing prevented his brother Basuvifonda from preferring the appeal within the time.

6 —— The following remarks records are herewith submitted for reference:—

(1). Original suit No. 5 of 1894-95 with 37 papers.

(2). Miscellaneous order No. 7 of 1897-98 (6 papers).

(3). Papers ending with Hole Narsi-pur Amildar's No. 499 Dated 26th June 1898.

(4) The enclosures received with the official memo No. 1471 Dated 14/15 June 1898. —

I have the honor to be,
Sir
Your most obedient servant,

Deputy Commissioner
Hassan District

1898

From

The Secretary to Govt
Genl and Rev Depts

To

The Dy Commissioner
of the Hassan Dt

Dated 13
Despatched 15 Sept 98
Received

General No. 2197 /
P. No. 257

Enclosure No.

The Dy Comr's letter
No 36 dated 16-7-1898,
reporting on the petn
of Chennegowda and
his brother Basavegowda
of Mallappanahalle in
the Hole Narsipur Talule.

In returning the
papers received with
the above for reference
and resubmission,
has the honor to request
that a further
report may be furnished
as early as possible
stating whether
the villages of Mallappana-
-halli and Amanikere
the

where

257-97-5

14-9-98

are regarded as one
Police charge on two charges
with seperate Policies

By order

for Secretary

C2
8.9.28

HE 179/28

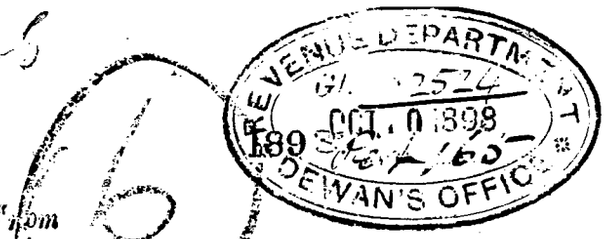
Pol R
10.10.98

J.R. 59-97-5

Rec'd 11/10 Regd Postage

AK
13/10/98
Sent to 2nd Commr

13.10.98



From 6

The Deputy Commissioner,
Kapadi District.

To

The Secretary to the
Government of Mysore,
General and Revenue Departments.

Dated 6th
Despatched } October 1898.
Received

General No. 307
No.

Enclosure No. 3 files.

With reference to Circular No. 219 Dated 16th September 1898, calling for a further report as to whether the villages of Mallajanahalli and Amanikere are regarded as one Police charge or two charges with separate Police.

I have the honour to state that Mallajanahalli and Amanikere are regarded as two charges with separate Police of Rs 22 and Rs 31. &.

respectively

Now there has been some unfortunate misunderstandings and strife between the people of these two villages. Under these circumstances the Dept considers that the two villages should be permitted to exercise their own choice in regard to the two villages

AK
18/10/98

Draft
Ak 19/10/98
Draft
Ak 2/11/98.

respectively.

2 — The Vernacular papers* received with the above, are herewith resubmitted. —

Yours truly

Deputy Commissioner

Mpo

(1). Original Suit No. 5 of 894 95.

(2). Miscellaneous No. 7 of 89 98

(3) Papers relating with —
Hole Narsingh Hindu
-dara No. 147 dated
24th September 1893.

189 8

7

From

The Secretary to Govt:
Genl: and Rev: Dept.

To

The Deputy Commr
Hassan Dist.

Dated 4th

Despatched 5th November '98

Received

General No. 3204/S.
P. No. 395

Enclosure No.

Rent Survey/undated ending with
Director's No. 3— dated
7th October 1898 forwarding the Deputy Commr Hassan Dist
stating that
the villages of Mallashanu-
halli and Amanekere
are regarded as two
charges with separate
Potigars.

With reference to the
above has it been brought to
observe that the petitioners
have a decree in their favour,
that there are two separate
villages and that it is not
strictly legal and regular
to have a single Patel for
two villages. Under these
circumstances the Deputy
Commissioner is requested
to

to state why the petitioners should not be permitted to execute their decree by one of them being put in charge of one of the two villages.

2. The Vernacular papers received with the above docket are herewith returned for reference and resubmission.

"By Order"

for Secretary

C2
18-10-98

C&R
2/11/98.

RECEIVED 4398
FEB 10 1899
DEWANS OFFICE

8

From The Deputy Commissioner
Kapurthala District.

To
The Secretary to the
Government of Mysore,
General and Rev: Departts:

Dated 8th
Despatched 11 } February 1899.
Received

General No. 568
No.

Enclosure No. 1 P. file (3 files)

In ref: to No. 3204 of 4th Nov. 98.
Pol: 395

Submitting further information on certain points in the office of Police & Magistracy Kotah Varriyam Taluk. Sea.

Peter
10.2.99

Read 11/2
W. F. Dodds
Rep: put up.
11-2-99
MK 11-2-99
11.2.99 MK

Sub to the Council
with a note to the petty
11/2/99

Rayom.
11.2.99.

The Dy Comrs
proposal may be
approved. The
jamadar Basavegowda
may be put in
charge of the
two villages
Mysore
14/2/99

16-2-99.

Secy Genl
17/2/99

No 568
Rey
1

Office of the Deputy Commissioner
Hassan District.

Dated Hassan 8th February 1899.

From

D. Devaraj Urs Esqre
Dy Commissioner
Hassan District.

To

The Secretary to the Government
of Mysore General & Revenue Depts

Sir,

With reference to Government Proceedings No. 3204 / Pet. 395 dated 4/5 November 1898, requesting me to state why the petitioners Channe Gowda and his brother Basve Gowda of Nalapanahalli should not be permitted to execute their decree by one of them being put in charge of one of the two villages, I have the honor to state that I do not see any special reason why they should not be permitted to do so, provided they are competent to

Carry

carry on the work.

2 - The Amildar reported that one of the brothers viz Channe gowda, the Elder is not competent to carry on the work and the other viz Basve gowda the younger, was not a resident of the village.

3 - Not being satisfied with the said report, I had the parties summoned to appear before me and examined them. I found the Elder incompetent to hold the office of Patéli and to discharge the duties thereunto connected.

4 - The younger Basve gowda is competent to look after the duties of a Patél and consents to reside in the village if the office is conferred upon him, under the above circumstances Basve gowda may be permitted to execute the decree for being placed in charge

in charge of one of the villages.

5 :— The marginally noted Vernacular Records are herewith respectfully submitted.

I have the honor to be

Sir,

Your most obedient Servant

Deputy Commissioner
Hassan District.

B.L.

1. O. P. No. 5 of 1894-95 with 3½ papers
2. Rio: order No:— 797-98 with 6 papers
3. Papers ending with the Manjarabad Audits No. 297 of 1-2-99

(10)

Draft

Proceedings of the Court of
Magistrate
(1) Chinnagonda
(2) Basavegonda
Read

(1) Bacavegonda
(2) Bregonda.

La 59-97-9

Petition dtd 23-8-98 received 2711
received in the Revenue office
on 3-5-98 from Chinnagonda
and two others Basavegonda
of Nallappanahalli in the
Kolar Narasipur Taluk, appealing
against the order of the Deputy
Commr Bangalore dtd
declining to execute the
decree in OS No 5 of 94-95
on the file of this Court by
putting the appellants in
possession of the patel's office
of Nallappanahalli and
Annasandra of which they
were declared to be the hereditary

Records received and the
correspondence including with
Deputy Commr's letter No
568 of 8-2-99, proposing the
appointment of Basave-
gonda youngest brother of
Chinnegonda to the office
of Patel of one of the two
Charges of Nallappanahalli
and Annasandra

Order

Hy Commissioner

Draft prepared
Asst 1st Counsellor
6/7/99.

Rec'd 8/7/99 11692 appeared as
attorney. AM
8/7/99.

Grant
in modified
form: after-
noon on last.
AM.
10-7-99

Res copy
sent up
10/7/99
sent 11/7

(25) No 300-307 dt 12.7.99.
P.F.1-99 / 14

proposal is approved.
The young [illegible] Kasaan Gordon
may be put in charge of
one of the two villages ×

Respectfully
Geo. [illegible] Secretary
Ei [illegible]
To
The Department
Kasaan Dist with Memorandum
× words
Off. Medicine Comm. of Dec 8/99

× The above stated objections obtained as fact to proposal
as will many a declaration of intention which never
finished by not any direction of the agents & [illegible]
natives to handicap but only by preventing [illegible]
performance of duties under a proper arrangement
to be made on their application [illegible]
in the case, the execution of the decree. The
two villages, Kasaan and Klawock, [illegible]
form the desirable educated and advanced Indians
and as the [illegible] Kasaan [illegible] is located
to be quite convenient [illegible] to the Klawock,
the fact are pleased to explain of the objections
proposed. Appeal them in charge of one of the
two villages — An effort will be given to the semi-
by employ- ment the proposed arrangement until
further [illegible] time — [illegible]

8/7/99

+ 22-5 Hoonah
12-[illegible]99 [illegible]-85

(9)

1899-1900

GOVERNMENT OF MYSORE

PETITION

PROCEEDINGS

Dated 12th July 1899

No. 300-307
Pet. F. 1-99

Passing orders on the appeal of Chennegauda and Basavegauda against the order of the Deputy Commissioner, Hassan district, declining to execute the decree in O. S. No. 5 of 1894-95 on the file of his Court; regarding the pateli hak of Mallappanahalli and Amanikere in the Hole-Narsipur taluk.

SBP—24-7-99—300

READ—

Appellants.	*versus.*	Respondents.
(1) Chennegauda		(1) Basavegauda
(2) Basavegauda		(2) Eregauda

Petitions Nos. 2331 and 2711 received in the Dewan's office on 3rd May 1899, from Chennegauda and his brother Basavegauda of Mallappanahalli in the Hole-Narsipur taluk, appealing against the order of the Deputy Commissioner, Hassan district, declining to execute the decree in O. S. No. 5 of 1894-95 on the file of his Court by putting the appellants in possession of the pateli offices of Mallappanahalli and Amanikere, of which they were declared to be the hakdars.

(2) Records received and the correspondence ending with Hassan Deputy Commissioner's letter No. 568, dated 8th February 1899, proposing the appointment of Basavegauda, younger brother of Chennegauda to the office of patel of one of the two charges of Mallappanahalli and Amanikere.

No. 306-307—PET. F. 1-99, DATED BANGALORE, 12TH JULY 1899.

ORDER THEREON.—The decree, which appellants obtained in suit No. 5 of 1894-95, is not merely a declaratory decree. Substantial relief was granted by not only directing the registry of their names as hakdars, but also by providing for their performance of duties under a proper arrangement to be made on their application in the course of the execution of the decree. The two villages, Mallappanahalli and Amanikere, to which the appellants' hak was established, form two separate charges with separate potgi allowances, and as the 2nd appellant, Basavegauda, is reported to be quite competent and qualified for the patelship, the Government are pleased to approve of the Deputy Commissioner's proposal to put him in charge of one of the said two villages. Due effect will accordingly be given to the decree by carrying out the proposed arrangement without further loss of time.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioner, Hassan District, with records.
The Deputy Commissioners of other Districts.

Exd.—H.A.R.

(9)

12-7-99

W.P. 59-99-10

[illegible]

[illegible] 6.7.99 [illegible]

By Order

[illegible]

For Secretary.

C.A.C.

Draft

[illegible]

[illegible]

[illegible] 6.7.99 [illegible]

By Order

[illegible]

For Secy.